

Title 139 - NEBRASKA EQUAL OPPORTUNITY COMMISSION
EQUAL PAY ACT OF NEBRASKA
NONDISCRIMINATION ON BASIS OF SEX

Chapter 3 - SUBPOENAS; ATTENDANCE; FEES; OATHS AND AFFIRMATIONS

001 Subpoenas.

001.01 Whenever in the discretion of the Commission it is deemed necessary to compel the attendance of witnesses or the production for examination of any books and papers relating to any matter under investigation or in question before the Commission, the Commission may issue a subpoena and thereby compel such attendance of witnesses or production for examination of books and papers.

001.02 The Commission shall issue such subpoena at the instance of any party to a proceeding upon a showing of necessity therefore.

002 Where a subpoena is applied for and issued at the instance of any party to a complaint or other proceeding, the cost of service, witness and mileage fees shall be borne by the party at whose instance it has been requested and issued unless otherwise ordered by the Commission. Where a subpoena is issued at the instance of the Commission or any member thereof, the cost of such service, witness and mileage fees shall be borne by the Commission. Such witness and mileage fees shall be made in an amount allowed under the rules governing such payment by the district courts of the State of Nebraska.

003 Petition to Revoke Subpoena.

003.01 Within five (5) days (excluding Saturdays, Sundays and official State holidays) after the service of a subpoena on any person, including the Chairman or any Commissioner, requiring the attendance of said person as a witness at an investigation, or requiring the production of any evidence in her or his possession or under her or his control, such person may petition the Commission in writing, personally or by registered or certified mail, to revoke the subpoena. The Commission shall revoke such subpoena if, in its opinion, the attendance of the person subpoenaed or the evidence, the production of which

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is required does not relate to any matter under investigation or to any matter in question in such proceedings before the Commission, or if in its opinion, such subpoena does not describe with sufficient particularity the reasons requiring the attendance of a person as a witness, or the evidence, the production of which is required. If the Chairman or any Commissioner has been served with a subpoena, then the Chairman or Commissioner so served shall not participate in the decision of the Commission with respect to such petition.

003.02 If a petition to revoke a subpoena is properly served, the person on whom the subpoena has been served shall not be required to respond to such subpoena until the Commission has acted upon the petition.

004 On the failure of any person to obey a subpoena issued by the Commission, the Commission shall make application to the district court of the county in which the witness resides or transacts business or is found, for an order from the court for such person to show cause why she or he shall not be held in contempt of court except as provided in 3.003.

005 Any Commissioner participating in an investigation may administer oaths or affirmations.

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

_____,) Case No. _____
(Name of Complainant))
Complainant,)
vs.) APPLICATION FOR SUBPOENA
_____,)
(Name of Respondent))
Respondent.)

TO THE CHAIRMAN OF THE EQUAL OPPORTUNITY
COMMISSION OF THE STATE OF NEBRASKA:

Comes now your petitioner and states:

(Check one)

☐ 1. That at a meeting of the Equal Opportunity Commission of the
State of Nebraska on _____, 19____, a majority of
the Commissioners present voted to apply for a subpoena in this case.

☐ 2. That he is (complainant) (respondent) in the above case, or

☐ 3. That he is the Hearing Examiner conducting the public hearing
in the above case.

4. That it is necessary to compel the attendance of the following
witnesses at the public hearing scheduled for the _____ day of

_____, 19____, at _____ M., at _____

_____ in the city of _____, Nebraska

(Name) (Address)

(Name) (Address)

WHEREFORE, your petitioner prays that the above-stated
witnesses be commanded to appear before the Hearing Examiner for the
public hearing to be held in the above-entitled case on the _____ day of

_____, 19____, at _____ M., at _____

in the city of _____, Nebraska.

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Dated this _____ day of _____, 19____.

Petitioner

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

_____,)
Complainant,)
vs.)
_____,)
Respondent.)

Case No. _____

SUBPOENA

TO _____:

(Address)
_____, Nebraska.
(City)

Pursuant to the authority vested in me by Neb. Rev. Stat.
§48-1117(2), 1973 Supp., and Rule 5.01(1) of the Rules and Regulations of
the Equal Opportunity Commission of the State of Nebraska,

YOU ARE HEREBY COMMANDED to appear before the Hearing
Examiner in the public hearing of the above entitled matter to be held at
_____, Nebraska, on the _____ day of
(Address (City)
_____, 19__, at _____ o'clock ____, M., to give
evidence on the part of (complaint) (respondent).

Witness my hand and seal of the Equal Opportunity Commission
of the State of Nebraska this _____ day of _____, 19__.

Chairperson,
Equal Opportunity Commission
of the State of Nebraska

(SEAL)

STATE OF NEBRASKA

) 15.

AFFIDAVIT OF SERVICE

COUNTY OF _____)

(Indicate whether service is made on the person named personally, by registered mail or by certified mail.)

I hereby certify that I have served a copy of the foregoing subpoena upon _____ at _____

_____, _____, Nebraska,
(Address) (City)

by _____, on the
_____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing subpoena upon the complainant, _____, at _____.

_____, _____, Nebraska,
(Address) (City)

by _____, on the
_____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing subpoena on the respondent, _____, at _____

_____, _____, Nebraska.
(Address) (City)

by _____, on the
_____ day of _____, 19____.

Sworn to before me this _____ day of _____.

19___.

Notary Public

(S E A L)

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

_____,) Case No. _____
Complainant,)
v.)
_____,)
Respondent.) APPLICATION FOR
ENFORCEMENT OF SUBPOENA

TO THE EQUAL OPPORTUNITY COMMISSION OF THE STATE OF NEBRASKA

Comes now your petitioner and alleges:

1. That _____ applied for a subpoena
(he, she, it)
in the above titled case on _____, 19____.
2. That said subpoena was served on _____
by _____ on _____, 19____.
3. That said party has failed or refused to obey a subpoena
issued and served upon him in accordance with the Nebraska Fair Employment
Practice Act and the Rules and Regulations of the Equal Opportunity Commission
of the State of Nebraska.

WHEREFORE, your petitioner prays that the Equal Opportunity
Commission proceed forthwith to petition the district court having jurisdiction
of the matter for an order requiring compliance with the subpoena at a
continuation of the public hearing set for the _____ day of _____
19____, at _____ o'clock ____ M. at _____
(Address)
_____, Nebraska.
(City)

Petitioner

STATE OF NEBRASKA)

COUNTY OF _____)

ss.

AFFIDAVIT OF SERVICE

(Indicate whether service is made on the person named personally, by registered mail or by certified mail.)

I hereby certify that I have served a copy of the foregoing

Application for Enforcement of Subpoena upon _____

at _____, Nebraska
(Address) (City)

by _____, on the
_____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing

Application for Enforcement of Subpoena upon the complainant, _____

_____ at _____
(Address) (City)

Nebraska, by _____, on the
_____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing

Application for Enforcement of Subpoena on the respondent, _____

_____ at _____
(Address) (City)

Nebraska, by _____, on the
_____ day of _____, 19____.

Sworn to before me this _____ day of _____.

19____.

Notary Public

(SEAL)

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

(Name of Complainant)

Complainant,

vs.

(Name of Respondent)

Respondent.

Case No. _____

APPLICATION FOR
SUBPOENA DUCES TECUM

TO THE CHAIRMAN OF THE EQUAL OPPORTUNITY
COMMISSION OF THE STATE OF NEBRASKA:

Comes now your petitioner and states:

(Check one)

- ☐ 1. That at a meeting of the Equal Opportunity Commission of the State of Nebraska on _____, 19____, a majority of the Commissioners present voted to apply for a subpoena in this case.
- ☐ 2. That he is (complainant)(respondent) in the above case, or
- ☐ 3. That he is the Hearing Examiner conducting the public hearing in the above case.
4. That it is necessary to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence relevant to a charge filed with the Equal Opportunity Commission in the above matter. More specifically, petitioner seeks the production for examination and copying of the following items which are believed to be in the possession or control of

_____, of _____
(Name) (Address)
_____, Nebraska:
(City)

WHEREFORE, your petitioner prays that _____
_____, the person believed to be in the possession or control of
the above-stated documents, be compelled to appear for the taking of a
deposition and to bring with (him)(her)(it) such documents listed above for
examination and copying on the _____ day of _____, 19____,
at _____ M., at _____ in the city of _____
_____, Nebraska.

Dated this _____ day of _____, 1974.

Petitioner

AFFIDAVIT OF SERVICE

STATE OF NEBRASKA)
COUNTY OF _____) ss.

I hereby certify that I served a copy of the foregoing applica-
tion for Subpoena Duces Tecum on the Chairman of the Equal Opportunity
Commission of the State of Nebraska by _____
(personal service, certified mail,

_____, on _____
or registered mail) (Name)
at _____, Nebraska,
(Address) (City)
on the _____ day of _____, 19____.

Sworn to before me this _____ day of _____, 19____

Notary Public

(seal)

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

_____,) Case No. _____
)
Complainant,)
vs.) SUBPOENA DUCES TECUM
)
_____,)
)
Respondent.)

TO _____:

(Address)
_____. Nebraska
(City)

Pursuant to the authority vested in me by Neb. Rev. Stat. §48-1117(2),
1973 Supp., and Rule 5.01(1) of the Rules and Regulations of the Equal Opport-
Commission of the State of Nebraska,

YOU ARE COMMANDED to appear at _____ in the ci-
_____, Nebraska, on the _____ day of _____, 19____
at _____ o'clock _____.M., to testify on behalf of _____
at the taking of a deposition in the above entitled action pending before the Equ-
Opportunity Commission of the State of Nebraska and bring with you

Any subpoenaed organization not a party to this action is admonished to
file a designation with the Equal Opportunity Commission specifying one or more
officers, directors, or managing agents, or other persons who consent to test-
on its behalf, and shall set forth, for each person designated, the matters on
which he will testify or produce documents or things. The persons so designa-
shall testify as to matters known or reasonably available to the organization.

Dated _____, 19____.

Chairman,
Equal Opportunity Commission
of the State of Nebraska

(SEAL)

STATE OF NEBRASKA)

COUNTY OF _____)

ss.

AFFIDAVIT OF SERVICE

(Indicate whether service is made on the person named personally, by registered mail or by certified mail.)

I hereby certify that I have served a copy of the foregoing subpoena duces tecum upon _____, at _____, Nebraska, by _____ (Address) _____ (City) on the _____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing subpoena duces tecum upon the complainant, _____, at _____ (Address) _____, Nebraska, by _____ (City) on the _____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing subpoena duces tecum upon the respondent, _____, at _____ (Address) _____, Nebraska, by _____ (City) on the _____ day of _____, 19____.

Sworn to before me this _____ day of _____

19____.

Notary Public

(SEAL)

EQUAL OPPORTUNITY COMMISSION
OF THE STATE OF NEBRASKA

_____,) Case No. _____
Complainant,)
v.)
_____,)
Respondent.) APPLICATION FOR ENFORCEMENT
OF SUBPOENA DUCES TECUM

TO THE EQUAL OPPORTUNITY COMMISSION OF THE STATE OF NEBRASKA:

Comes now your petitioner and alleges:

1. That _____ applied for a subpoena
(he, she, it)
duces tecum in the above titled case on _____, 19____.

2. That said subpoena duces tecum was served on _____
by _____ on _____,
19____.

3. That said party has failed or refused to obey a subpoena
duces tecum issued and served upon him in accordance with the Nebraska
Fair Employment Practice Act and the Rules and Regulations of the Equal
Opportunity Commission of the State of Nebraska.

WHEREFORE, your petitioner prays that the Equal Opportunity
Commission proceed forthwith to petition the district court having jurisdiction
of the matter for an order requiring compliance with the subpoena duces tecum:

Petitioner

STATE OF NEBRASKA)
) ss. AFFIDAVIT OF SERVICE
COUNTY OF _____)

(Indicate whether service is made on the person named personally, by registered mail or by certified mail.)

I hereby certify that I have served a copy of the foregoing
Application for Enforcement of Subpoena Duces Tecum upon _____

_____ at _____
(Address) (City)

Nebraska, by _____, on the
_____ day of _____, 19____.

I hereby certify that I have served a copy of the foregoing
Application for Enforcement of Subpoena Duces Tecum upon the complainant:

_____ at _____
(Address)
_____, Nebraska, by _____
(City)

_____, on the _____ day of _____
19____.

I hereby certify that I have served a copy of the foregoing
Application for Enforcement of Subpoena Duces Tecum on the respondent:

_____ at _____
(Address)
_____, Nebraska, by _____
(City)
_____, on the _____ day of _____
19____.

Sworn to before me this _____ day of _____
19____.

Notary Public

(SEAL)

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The Equal Opportunity Commission of the State of Nebraska to the
Sheriff of _____ County, in Said State--Greetings:

You are hereby commanded to notify _____ of
_____, Nebraska, that he is being
subpoenaed as a witness on behalf of the respondent at the public hearing
of _____ v. _____ to be held in _____
Nebraska, at _____ on the _____ day of December, 1974
(Address)

You will make due return of this summons on or before the
_____ day of _____, 1974.

Chairman, Equal Opportunity
Commission of the State of Nebraska.

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

This summons came into my hands _____, 197
and I certify that I served the same upon the following persons named there:
on the dates given, by delivering to them personally, within said county, a
certified copy thereof, with all the endorsements thereon, to-wit:

On _____, 197

On _____, 197

APPROVED
J. JAMES EXON
GOVERNOR

J. James Exon
DATE *11/26/74* *Phinman*

APPROVED
PAUL L. CO. 244
ATTORNEY GENERAL

BY *William B. Hunter*
Assistant Attorney General

DATE *9-26-75*

And upon the following persons named therein by leaving
for each of them at their usual place of residence, in said county, a
certified copy thereof, with all the endorsements thereon, to-wit:

On _____, 197__.

On _____, 197__.

The following persons named therein I cannot find in this
county, to-wit: [Name].

[Signature], Sheriff of _____ County, Nebraska.

By _____, Deputy.

Fees:

Service	_____	\$	_____
Mileage	_____	\$	_____
Copies	_____	\$	_____
Total		\$	_____